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Transcript of **ELIZABETH BEHRENS**

Date: June 9, 2014

Case: SHAH v. SOUTHWEST AIRLINES, ET AL.

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

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CHIRAG SHAH,)

Plaintiff,)

VS.) Civil Action No.

) 1:13CV1481 AJT/JFA

SOUTHWEST AIRLINES, et al.,)

Defendants.)

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Deposition of ELIZABETH BEHRENS

Dallas, Texas

Monday, June 9, 2014

3:37 p.m.

Job No.: 59188

Pages: 1 - 21

Reported by: Michelle L. Munroe

1 Deposition of ELIZABETH BEHRENS, held at
2 the offices of:

3

4

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9 Dallas, Texas 75206

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14 Pursuant to Notice, before Michelle L. Munroe,
15 Certified Shorthand Reporter in and for the State of
16 Texas.

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1 A P P E A R A N C E S

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1 PROCEEDING

2 ELIZABETH BEHRENS,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. BREEDEN:

6 Q. State your name for the record, please.

7 A. Elizabeth Behrens.

8 Q. What is your occupation?

9 A. I'm a specialist in the customer advocacy,
0 customer relations department at Southwest Airlines.

11 Q. What does that mean?

12 A. I am on a specialized team that I respond to
13 customer complaints about Southwest Airlines.

14 Q. Okay. So if the customer has -- whatever the
15 complaint is, you take it, you decide where it gets
16 forwarded to for investigation?

17 A. No.

18 Q. Tell me, how -- what is the job function? How
19 does it happen?

20 A. If I get a service request assigned to me or
21 comes up in a queue, I have a different process, and
22 then I'm responsible for responding to that complaint.

1 Q. What steps do you take to respond to the
2 complaint?

3 A. Depends on the complaint.

4 Q. Okay. In this situation, we have a passenger
5 who was deboarded and felt that it was inappropriate to
6 have been deboarded.

7 What steps do you take then?

8 A. We would request reports from the employees
9 involved and then go from there based on the information
10 that we receive.

11 Q. Okay. Give me, I guess, an example of what do
12 you mean "go from there." I'm trying to figure out what
13 that means.

14 A. Well, if we -- I mean, if we have requested
15 reports so we can get the information we think we need
16 to respond to the customer's complaint, then we will
17 respond to the customer's complaint at that point.

18 Or if we need some more information or need to
19 do some more research based on the information and the
20 customer's complaint, then we'll take those steps.

21 Q. And when you get a complaint in, who would you
22 generally send the complaint to? The flight crew and

1 the cabin crew on the plane in question, correct?

2 A. Depends on the customer's complaint.

3 Q. Okay. Again, the situation where a customer
4 feels he was deplaned inappropriately and potentially
5 based on race.

6 A. If the complaint has to do with, you know, a
7 situation that happened on board the aircraft, then,
8 yes, we would request, in that situation, reports from
9 the flight attendants and perhaps the -- the captain,
10 the pilot.

11 Q. Okay. Anybody else you would send the
12 information to or seek input from in formulating your
13 response?

14 A. It's possible.

15 Q. Who would that be?

16 A. Depends on the situation.

17 Q. The situation we're talking about here.

18 A. Okay. If -- the employees who were involved,
19 if they were ground operations employees involved --

20 Q. Okay.

21 A. -- then we'll request reports from them as
22 well, see if they have recollection of the situation.

1 Q. Okay. And then you would gather all that
2 information?

3 A. Yes, sir.

4 Q. And you would then issue a response?

5 A. Yes, sir.

6 Q. Would you send that response to the customer
7 or would you have that response reviewed prior to
8 sending it to the customer?

9 A. It depends on the situation, but in this
10 particular situation, we did have the response reviewed.

11 Q. Who did you have it reviewed by?

12 A. It was reviewed by an outside insurance.

13 Q. Okay.

14 A. An attorney at our insurance company.

15 Q. Okay. And how about anybody in-house? Do you
16 have legal staff in-house review it as well?

17 A. We do have legal staff who does review
18 responses. I don't recall them reviewing this one.

19 Q. Okay. Why would you send it out to the
20 insurance legal team to review?

21 A. Because in this particular response, we
22 requested information from -- requested our customer

1 claims administration team to take a look at this
2 situation, and they then requested that we forward it on
3 to USAIG. They made that determination.

4 Q. Okay. You're not sure what the purpose of
5 sending it out was? You didn't make the determination?

6 A. No, I don't make that determination.

7 Q. You then got the response back, incorporate it
8 with suggestions from the insurance's legal team and
9 then sent the response to Mr. Shah?

10 A. That's correct.

11 Q. When the -- before you provide your ultimate
12 response, do you send that back to the flight crew,
13 captain, anybody else to make sure what you're putting
14 in is accurate?

15 A. No, sir.

16 Q. Do you -- when you get the -- when you got the
17 response, this came back from the insurance legal team,
18 did you review it with anybody to make sure that their
19 changes did -- the changes were accurate?

20 A. No one else reviewed the response.

21 Q. Okay. What actions did you take to ensure the
22 changes suggested by the insurance company's legal team

1 were, in fact, accurate?

2 A. What -- what changes are you -- are you
3 referring to a specific change?

4 Q. You're saying there's changes by the insurance
5 legal team.

6 A. Is it okay if I...

7 Q. Sure.

8 A. Just so I have it here in front of me.

9 MR. STERN: It's almost to the end.

10 THE WITNESS: Thank you.

11 A. Now, what was your question? I'm sorry.

12 Q. What steps did you take to ensure the changes
13 that were suggested by the insurance company's legal
14 team were accurate?

15 A. I didn't take any steps. Based on the
16 information that we had, it was accurate.

17 Q. Okay. You reviewed what they changed,
18 correct?

19 A. That's correct.

20 Q. And have all -- have all of the changes they
21 made been given to us? We have been given a copy of all
22 the changes -- the changes were done in writing, right,

1 by e-mail?

2 A. Yes.

3 Q. Have we been given a copy of all those e-mails
4 regarding the changes?

5 A. I'm not responsible for pulling all of that
6 information.

7 MR. BREEDEN: I know we have one. Do we
8 have all of the changes, John?

9 MR. STERN: Certainly my understanding.
10 You can ask her whether this is the sole change. It's
11 Southwest page 343.

12 MR. BREEDEN: Okay.

13 Q. Is that the sole and only change -- there's
14 only one change on the document?

15 A. As far as I can recall.

16 Q. And what was that change?

17 A. "Due to safety related issues" was added.

18 Q. Okay. You did not have that in your initial
19 draft?

20 A. That is correct.

21 Q. Is there a reason that you did not have that
22 in your initial draft, that there were safety concerns?

1 A. I'm not sure I understand your question.

2 Q. Is there a reason your initial draft response
3 to Mr. Shah did not indicate that there was safety
4 related concerns?

5 A. I outlined the -- the situation was handled in
6 accordance with our contract of carriage, so I -- like I
7 said, I'm not sure I...

8 Q. Well, your initial response to Mr. Shah -- or
9 your initial draft of your response to Mr. Shah did not
10 mention that the -- that his removal was based on safety
11 related concerns but rather just merely saying not it's
12 in compliance with your contract, correct?

13 A. That's correct.

14 Q. Is there a reason why your initial draft to
15 him did not say anything about safety related concerns?

16 A. Not that I can think of.

17 Q. The initial draft of the letter to Mr. Shah,
18 is that based -- is there a template that you use or do
19 you draft each letter to customers individually or is
20 there a basic form template that you use and pump things
21 in?

22 A. No, there's not a basic form template.

1 Q. You basically start from scratch on each
2 letter?

3 A. I use some of the same verbiage. When it
4 comes to like an opening or a closing, I would use some
5 of the same verbiage. Or if I had a similar situation,
6 then I might, you know, look at verbiage and, you know,
7 to kind of give it a basis.

8 Q. In this case, did you -- had you had a similar
9 situation to the one Mr. Shah was complaining about?

10 A. I have handled denied boarding situations
11 before, yes, sir.

12 Q. Okay. Did you take verbiage from another
13 letter for this letter?

14 A. I don't recall specifically.

15 Q. I understand you probably do a lot of these --

16 A. I do.

17 Q. -- and it's hard to remember exactly which
18 one.

19 A. Just a lot of customer -- a lot of customer
20 complaints, concerns.

21 Q. Do you have any independent recollection of
22 this matter, this investigation, this correspondence

1 other than from reviewing the paperwork?

2 Do you have any independent recollection or
3 that is your sole recollection, that I see this, yes, I
4 wrote it, I don't remember much else but I know I wrote
5 it and that's about it?

6 A. That's about it.

7 Q. You don't have any independent memory of
8 any -- I'm not saying you should, but you do hundreds of
9 these if not more -- if not thousands of these, right.
10 I understand that.

11 I'm just trying to find out if any of your
12 memory is in your head as opposed to on the paper?

13 A. No. It would all be based on...

14 Q. Okay. Was there any nonwritten communication
15 with Mr. Shah, anything verbally, phone call, anything
16 like that?

17 A. Yes, sir.

18 Q. And do you have any recollection of any of
19 that?

20 A. Yes, sir.

21 Q. What is your recollection of your phone calls
22 with Mr. Shah?

1 A. I don't recall a phone call with him
2 specifically.

3 Q. Okay. Do you recall whether there was one?

4 A. Yes, there was a phone call.

5 Q. And your sole recollection is what was put in
6 the notes, correct?

7 A. That is correct. I was not privy to that
8 telephone call.

9 Q. Okay. All the records and all the notes and
10 written e-mails regarding the -- strike that.

11 The e-mails that Southwest created internally
12 and sent to their insurance company's attorneys, these
13 have all been kept in the ordinary course of business,
14 correct?

15 A. As far as I know.

16 Q. According to your standard procedure to create
17 these in your ordinary course of business, correct?

18 A. Create?

19 Q. Your e-mails, your records, your notes, that's
20 part of your job is to record what's happening by letter
21 or memo, correct?

22 A. I forward the request to our customer claims

1 administration team via e-mail --

2 Q. Okay.

3 A. -- and then wait for a response from them and
4 then respond to the customer.

5 Q. That's part of your job function?

6 A. Yes.

7 Q. And the communications between -- strike that.

8 Your e-mails to and from Mr. Shah are part of
9 the e-mails that Southwest would keep in this type of
10 situation, right?

11 A. That is correct.

12 Q. And the e-mails to and from your insurance
13 company's attorneys are part of the e-mails and records
14 that you would keep when you send it out to the
15 insurance company for review?

16 A. Actually that is not my responsibility to keep
17 those.

18 MR. BREEDEN: John, are we going to have
19 any issue with those being business records of
20 Southwest?

21 MR. STERN: It's really not a business
22 record issue because that's a hearsay exception. I

1 don't think there's any hearsay in there.

2 MR. BREEDEN: I'm talking about the
3 communications with the insurance company.

4 MR. STERN: Is your concern
5 authentication --

6 MR. BREEDEN: Right.

7 MR. STERN: -- or -- or -- no, there's
8 no --

9 MR. BREEDEN: Okay. No issue with that?

10 MR. STERN: I have other reasons that I
11 may challenge the admissibility of that document.

12 MR. BREEDEN: Right. But not from
13 authentication?

14 MR. STERN: No.

15 MR. BREEDEN: Okay. That's all the
16 questions I have for her.

17 MR. STERN: She's going to be very
18 disappointed.

19
20 (Signature having not been waived, the
21 deposition of ELIZABETH BEHRENS was concluded
22 at 3:52 p.m.)

18

1 | ACKNOWLEDGMENT OF DEPONENT

2 I, ELIZABETH BEHRENS, do hereby
3 acknowledge that I have read and examined the
4 foregoing testimony, and the same is a true, correct
5 and complete transcription of the testimony given by
6 me and any corrections appear on the attached Errata
7 sheet signed by me.

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(DATE)

(SIGNATURE)

19

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3

4 I, Michelle L. Munroe, Certified Shorthand Reporter
5 in and for the State of Texas, certify that the
6 foregoing deposition of ELIZABETH BEHRENS was reported
7 stenographically by me at the time and place indicated,
8 said witness having been placed under oath by me, and
9 that the deposition is a true record of the testimony
10 given by the witness.

11 I further certify that I am neither counsel for nor
12 related to any party in this cause and am not
13 financially interested in its outcome.

14 Given under my hand on this the 19th day of
15 June, 2014.

16

17

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19



20

Michelle L. Munroe, CSR No. 6011

21

Commission expires 12-31-15

22

No. 59188

Re: Deposition of **Elizabeth Behrens**
Date: 06/09/2014
Caption: Shah -v- Southwest Airlines, et al

7/2/14
(Date)

Elizabeth Behm
(Signature)

No. 59188

Re: Deposition of **Elizabeth Behrens**

Date: 06/09/2014

Caption: Shah -v- Southwest Airlines, et al

ACKNOWLEDGMENT OF DEPONENT

I, Elizabeth Behrens, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached Errata sheet signed by me.

7/2/14

(Date)

Elizabeth Behrens

(Signature)